In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.61002-M of 2006

.....

Date of decision:21.5.2007

Uday Veer Singh Warman and another

.....Petitioners

v.

State of Punjab and others

.....Respondents

....

Present: Mr. Munish Singal, Advocate for the petitioners.

Mr. Mukesh Kaushik, Deputy Advocate General, Punjab
for the respondent-State.

.....

S.S. Saron, J. (Oral)

Heard learned counsel for the parties.

This petition has been filed under Section 482 Cr.P.C. for quashing the complaint No.26 dated 16.3.2005 (Annexure-P.7) and the summoning order dated 16.3.2005 (Annexure-P.8) passed by the learned Judicial Magistrate Ist Class, Rajpura.

Learned counsel for the petitioners submits that he may be allowed to move the learned trial Court for seeking his discharge in accordance with law. It is submitted that petitioner No.1 as per allegations could not have possibly cut the trees as he is a handicapped person. Besides, the trees were cut due to peculiar circumstances of the case to save the lives of other persons. These aspects admittedly require evidence to be led. Therefore, the petitioners pray that they may be allowed to withdraw this petition so as to approach the learned trial Court. He, however, submits

that the personal presence of the petitioners may be dispensed with during the trial of the case.

Dismissed as withdrawn. As regards the exemption from personal appearance, the petitioners may move the necessary application before the Ld. Trial Court in terms of Section 205 Cr.P.C. seeking exemption. In case such an application is moved the trial Court shall consider it sympathetically.

May 21, 2007. **(S.S. Saron)**
Judge

hsp